

ORIGINAL

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

NOV 17 2003

LUTHER D. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DIANE ROBINSON WILLIAMS,

Plaintiff,

v.

AFC ENTERPRISES, INC.,

Defendant.

CIVIL ACTION NO.

**1:03-CV-3481**

**-RLV.**

NOTICE OF REMOVAL

Defendant AFC Enterprises, Inc. (hereinafter "AFC"), files this Notice of Removal pursuant to 28 U.S.C. § 1441, et seq. In support of this Notice of Removal, AFC shows the Court as follows:

**1. Venue**

In accordance with 28 U.S.C. § 1441(a), venue lies in the United States District Court for the Northern District of Georgia, Atlanta Division, in that the state court action was filed and is pending in the Magistrate Court of Gwinnett County, Georgia, which is within this judicial district and division.

**2. Preliminary Statement of Claims**

AFC is a corporate defendant in this civil action filed by Plaintiff Diane Robinson Williams in the Magistrate Court of Gwinnett County, Georgia, captioned as follows: Diane Robinson Williams vs. AFC Enterprises, Inc.

RECEIVED  
U.S. DISTRICT COURT  
ATLANTA, GEORGIA  
NOV 17 2003  
LUTHER D. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

Williams v. AFC Enterprises, Inc., Case No. 03-M-24778. The Complaint appears on its face to assert a statutory claim alleging discrimination on the basis of her sex and retaliation in violation of Title VII of the Civil Rights Act of 1964 as amended. 42 U.S.C. § 2000e et seq.

**3. Basis for and Timeliness of Removal and Answer**

There exists a claim arising under the laws of the United States. Plaintiff's Complaint alleges claims of sex discrimination and retaliation which on their face arise out of an alleged violation of Title VII. Accordingly, original jurisdiction lies in the District Courts of the United States as provided for in 28 U.S.C. § 1331.

AFC's agent was served with the Summons and Complaint on October 17, 2003. AFC files this Notice of Removal within thirty (30) days after receipt through service of a copy of the Summons and Complaint setting forth the claims for relief upon which the action is based, and the time for filing this Notice of Removal pursuant to 28 U.S.C. § 1446(b) has not expired. Attached hereto as "Attachment 1" are true and correct copies of all process, pleadings, and orders served upon AFC in this action, as provided for by 28 U.S.C. § 1446(a). Defendant AFC's Answer to the verified Complaint is being filed contemporaneously with this Notice of Removal.

**4. Federal Question**

This Court has original jurisdiction of this matter because the Complaint on its face raises a federal question. The Complaint alleges sex discrimination and retaliation. Therefore, this action is removable to the United States District Court because it involves a civil action founded on a claim or right arising under the laws of the United States. 28 U.S.C. § 1331; 28 U.S.C. § 1441(b).

**5. Proper Notice of Removal**

AFC will this day serve written notice to Plaintiff of the filing of this Notice of Removal with this Court, as provided by 28 U.S.C. § 1446(d).

Finally, AFC will this day serve and file a true and correct copy of its Notice of Removal with the Clerk of the Magistrate Court of Gwinnett County, Georgia as provided by 28 U.S.C. § 1446(d), and a copy of the Notice to the Magistrate Court of Gwinnett County is attached hereto as "Attachment 2."

**WHEREFORE**, AFC hereby removes the above-styled civil action to this Court's jurisdiction.

DATED this 17<sup>th</sup> day of November, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frederick L. Warren", is written over a horizontal line.

Frederick L. Warren  
Georgia Bar No. 738350  
Thomas L. McDaniel  
Georgia Bar No. 488248

FORD & HARRISON LLP  
1275 Peachtree Street, N.E.  
Suite 600  
Atlanta, GA 30309  
Telephone: (404) 888-3800  
Facsimile: (404) 888-3863

Attorneys for Defendant  
AFC Enterprises, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DIANE ROBINSON WILLIAMS,

Plaintiff,

v.

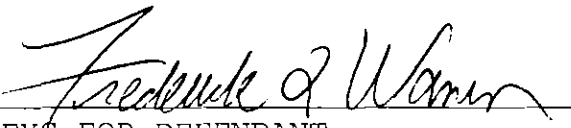
AFC ENTERPRISES, INC.,

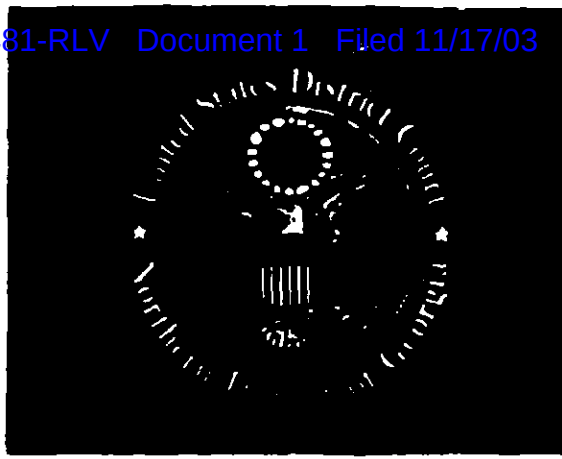
Defendant.

CIVIL ACTION NO. \_\_\_\_\_

CERTIFICATE OF COMPLIANCE

The undersigned certifies that the foregoing **NOTICE OF REMOVAL** complies with the font and point selections approved by this Court in Local Rule 5.1. It has been prepared in Courier New (12 point) and does not contain more than 10 characters per inch of type.

  
\_\_\_\_\_  
ATTORNEYS FOR DEFENDANT  
AFC ENTERPRISES, INC.



## EXHIBIT / ATTACHMENT

1

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(To be scanned in place of tab)

United States Corporation Company

The Prentice-Hall Corporation System, Inc.

### NOTICE OF SERVICE OF PROCESS

Date Processed: 17-OCT-03

Transmittal #: GA1885260P

ALL

To: CHRISTINE MACIVER  
AFC ENTERPRISES, INC.  
SUITE 1700  
SIX CONCOURSE PARKWAY  
ATLANTA GA 30328

OCT 20 2003

Redirect sent to:  
HEATHER FEENAN

TYPE OF REPRESENTATION: Statutory

We enclose the following documents which were served upon:

The Prentice-Hall Corporation System, Inc.

as registered agent in Georgia

for

AFC ENTERPRISES, INC. (ID#: 0411496)

Documents were served on 17-OCT-03

via Personal Service

ID#: N/A

Title of Action: DIANE ROBINSON WILLIAMS  
vs. AFC ENTERPRISES, INC.

Case #: 03M24778

Court: MAGISTRATE COURT OF GWINNETT COUNTY, GA.

Nature of Case: Discrimination

<input checked="" type="checkbox"/> Summons	<input type="checkbox"/> Notice of Mechanic's Lien	<input type="checkbox"/> A self-addressed stamped envelope enclosed
<input type="checkbox"/> Complaint	<input type="checkbox"/> Notice of Attorney's Lien	<input type="checkbox"/> Duplicate copies of the Notice and Acknowledgement enclosed
<input type="checkbox"/> Garnishment	<input type="checkbox"/> Notice of Default Judgment	
<input type="checkbox"/> Subpoena		
<input checked="" type="checkbox"/> Other: STATEMENT OF CLAIM, ETC.		

Answer Due: WITHIN 30 DAYS

Documents Sent: Federal Express

ID#:

Call Placed: No call placed

Spoke to: N/A

Comments: N/A

Attorney for Claimant:

DIANE ROBINSON WILLIAMS  
140 PINE STREET  
APT. 408  
ATLANTA, GA. 30308

Form Prepared By: Jenna Rowberry

Original Client Copy - for your records



Civil Action No. 03-M-1118

Magistrate Court

Date Filed 10-06-03

Clerk Court

Sherriff Court

Civil Action No. 03-M-1118

Plaintiff's Name Debra B. Williams  
140 West Street Apt. 408  
Atlanta, GA 30338

Defendant's Name Debra B. Williams  
140 West Street Apt. 408  
Atlanta, GA 30338  
vs  
Debra B. Williams  
140 West Street Apt. 408  
Atlanta, GA 30338

Name and Address of Plaintiff to be Served  
Debra B. Williams  
140 West Street Apt. 408  
Atlanta, GA 30338

Name and Address of Defendant to be Served  
Debra B. Williams  
140 West Street Apt. 408  
Atlanta, GA 30338

SHERIFF DOCKET PAGE



55.00

## IN THE MAGISTRATE COURT OF GWINNETT COUNTY, STATE OF GEORGIA

Diane Robinson Williams  
140 Pine Street Apt 408  
Atlanta GA 30308

Plaintiff(s)

Clerk, Gwinnett Magistrate Court, P.O. Box 246

Lawrenceville, GA 30046-0246 (770.822.8100, Ext. Civil Division)

Civil Action No.

03M 24778

vs.

AFC Enterprises Inc.  
Six Concourse  
Atlanta GA 30328

Defendant(s)

INFO &amp; FORMS ON INTERNET

www.gwinnettcourts.com

E-mail: mag@courts.co.gwinnett.ga.us

## STATEMENT OF CLAIM

Telephone (Daytime number if known, otherwise, evening number)

☒ Suit on a Note ☐ Suit on Account ☐ Other

1. The Court has jurisdiction over the defendant because: ☒ the Defendant is a resident of Gwinnett County; or ☐ other (please specify)

2. Plaintiff claims the Defendant is indebted to the Plaintiff as follows:

I report being sexually harassed by my G.M. Night shift manager and was harassed and discharge from the Raymond W. Kutek, and Geri Stagg - moore people service consultants and William Jackson, District Manager. I believe I have been discriminated against because of my sex (female) and retaliation opposing unlawful discrimination and my claim on my wage too.

3. That said claim is in the amount of: \$ 5,000. principal, \$ Interest, plus \$ 55.00 costs to date, and all future costs of this suit.

State of Georgia, Gwinnett County:

Diane Robinson Williams being duly sworn on oath, says the foregoing is a just and true statement of the amount owing by defendant to plaintiff, exclusive of all set-offs and just grounds of defense.

Sworn and subscribed before me this

Diane Robinson Williams  
 Plaintiff or Agent

Plaintiff or Agent

Diane R. Williams  
 (If Agent - Title or Capacity)

(If Agent - Title or Capacity)

Day Time Phone Number 678-858-4664

Notary Public/Attesting Official

Request a ☒ 1:00 p.m. Trial -OR- ☐ 6:30 p.m. Trial. ALL CONFLICTS WILL BE SET FOR 6:30 P.M. Trials.

## NOTICE AND SUMMONS

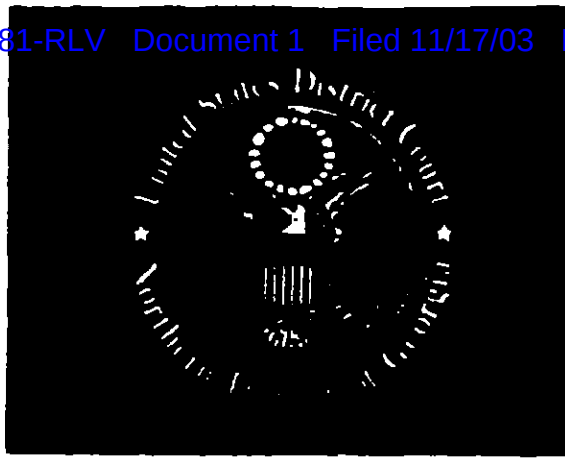
TO: All Defendant(s)

You are hereby notified that the above named Plaintiff(s) has/have made a claim and is requesting judgment against you in the sum shown by the foregoing statement. YOU ARE REQUIRED TO FILE or PRESENT AN ANSWER (answer forms can be obtained from the above listed web-site or clerk's office) TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU. IF YOU DO NOT ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO THE JUDGE. If you choose to file your answer orally, it MUST BE IN OPEN COURT IN PERSON and within the 30 day period. NO TELEPHONE ANSWERS ARE PERMITTED. The court will hold a hearing on this claim at the Gwinnett Justice & Administration Center, 75 Langley Dr., Lawrenceville, GA [30045-6900], at a time to be scheduled after your answer is filed. You may come to court with or without an attorney. If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them to court at the time of your hearing. If you want witnesses or documents subpoenaed, see a staff person in the Clerk's office for assistance. If you have a claim against the Plaintiff, you should notify the court by immediately filing a written answer and counterclaim. If you admit to the Plaintiff's claim but need additional time to pay, you must come to the hearing in person and tell the court your financial circumstances. Your answer must be RECEIVED by the clerk within 30 days of the date of service. If you are uncertain whether your answer will timely arrive by mail, file your answer in person at the clerk's office during normal business hours.

Filed this 6<sup>th</sup> day of October 20 03

Magistrate or Deputy Clerk of Court

See Instructions on Reverse Side of This Document



## EXHIBIT / ATTACHMENT

2

(To be scanned in place of tab)

IN THE MAGISTRATE COURT  
OF GWINNETT COUNTY  
STATE OF GEORGIA

DIANE ROBINSON WILLIAMS,

Plaintiff,

v.

AFC ENTERPRISES, INC.,

Defendant.

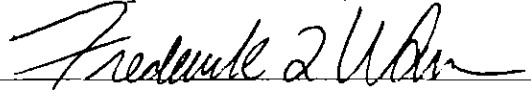
CIVIL ACTION NO. 03-M-24778

**NOTICE OF FILING OF NOTICE OF REMOVAL  
DIRECTED TO MAGISTRATE COURT OF GWINNETT COUNTY**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. § 1446(d), the Defendant AFC Enterprises, Inc. did on this date file in the United States District Court for the Northern District of Georgia, Atlanta Division, a Notice of Removal of this civil action to said Court. Copies of this Notice and the Notice of Removal have been served on Plaintiff.

DATED this 17 day of November, 2003.

Respectfully submitted,



Frederick L. Warren  
Georgia Bar No. 738350  
Thomas L. McDaniel  
Georgia Bar No. 488248

FORD & HARRISON LLP  
1275 Peachtree Street, N.E.  
Suite 600  
Atlanta, GA 30309  
Telephone: (404) 888-3800  
Facsimile: (404) 888-3863

Attorneys for Defendant  
AFC Enterprises, Inc.

IN THE MAGISTRATE COURT  
OF GWINNETT COUNTY  
STATE OF GEORGIA

DIANE ROBINSON WILLIAMS,

Plaintiff,

v.

AFC ENTERPRISES, INC.,


Defendant.

CIVIL ACTION NO. 03-M-24778

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that he served a copy of the foregoing **Notice of Filing of Notice of Removal Directed to Magistrate Court of Gwinnett County** to the following via U.S. Mail, postage prepaid, on November 17, 2003:

Diane Robinson Williams  
140 Pine Street  
Apt. 408  
Atlanta, GA 30308  
(678) 851-4664

  
\_\_\_\_\_  
ATTORNEYS FOR DEFENDANT  
AFC ENTERPRISES, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DIANE ROBINSON WILLIAMS,

Plaintiff,

v.

AFC ENTERPRISES, INC.,

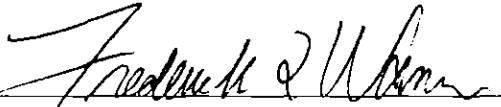
Defendant.

CIVIL ACTION NO. \_\_\_\_\_

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The undersigned, an attorney, hereby certifies that he served a copy of the foregoing **NOTICE OF REMOVAL** to the following via U.S. Mail, postage prepaid, on November 17, 2003:

Diane Robinson Williams  
140 Pine Street  
Apt. 408  
Atlanta, GA 30308  
(678) 851-4664

  
\_\_\_\_\_  
ATTORNEYS FOR DEFENDANT  
AFC ENTERPRISES, INC.